

Message

From: Faeth, Lisa [Faeth.Lisa@epa.gov]
Sent: 5/15/2019 2:36:39 PM
To: Anderson, Steve [Anderson.Steve@epa.gov]; Askinazi, Valerie [Askinazi.Valerie@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Barkas, Jessica [barkas.jessica@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Blair, Susanna [Blair.Susanna@epa.gov]; Buster, Pamela [Buster.Pamela@epa.gov]; Canavan, Sheila [Canavan.Sheila@epa.gov]; Caraballo, Mario [Caraballo.Mario@epa.gov]; Carroll, Megan [Carroll.Megan@epa.gov]; Cherepy, Andrea [Cherepy.Andrea@epa.gov]; Christian, Myrta [Christian.Myrta@epa.gov]; Corado, Ana [Corado.Ana@epa.gov]; Davies, Clive [Davies.Clive@epa.gov]; Dekleva, Lynn [dekleva.lynn@epa.gov]; Devito, Steve [Devito.Steve@epa.gov]; Doa, Maria [Doa.Maria@epa.gov]; Drewes, Scott [Drewes.Scott@epa.gov]; Dunn, Alexandra [dunn.alexandra@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Edelstein, Rebecca [Edelstein.Rebecca@epa.gov]; Edmonds, Marc [Edmonds.Marc@epa.gov]; Elwood, Holly [Elwood.Holly@epa.gov]; Fan, Shirley [Fan.Shirley@epa.gov]; Farquharson, Chenise [Farquharson.Chenise@epa.gov]; Fehrenbacher, Cathy [Fehrenbacher.Cathy@epa.gov]; Feustel, Ingrid [feustel.ingrid@epa.gov]; Frank, Donald [Frank.Donald@epa.gov]; Gibson, Hugh [Gibson.Hugh@epa.gov]; Gimlin, Peter [Gimlin.Peter@epa.gov]; Gorder, Chris [Gorder.Chris@epa.gov]; Gordon, Brittney [Gordon.Brittney@epa.gov]; Grant, Brian [Grant.Brian@epa.gov]; Gray, Shawna [Gray.Shawna@epa.gov]; Groeneveld, Thomas [Groeneveld.Thomas@epa.gov]; Guthrie, Christina [Guthrie.Christina@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]; Helfgott, Daniel [Helfgott.Daniel@epa.gov]; Henry, Tala [Henry.Tala@epa.gov]; Kapust, Edna [Kapust.Edna@epa.gov]; Kemme, Sara [kemme.sara@epa.gov]; Koch, Erin [Koch.Erin@epa.gov]; Krasnic, Toni [krasnic.toni@epa.gov]; Lavoie, Emma [Lavoie.Emma@epa.gov]; Lee, Mari [Lee.Mari@epa.gov]; Lee, Virginia [Lee.Virginia@epa.gov]; Leopard, Matthew (OEI) [Leopard.Matthew@epa.gov]; Liva, Aakruti [Liva.Aakruti@epa.gov]; Lobar, Bryan [Lobar.Bryan@epa.gov]; Menasche, Claudia [Menasche.Claudia@epa.gov]; Morris, Jeff [Morris.Jeff@epa.gov]; Moss, Kenneth [Moss.Kenneth@epa.gov]; Mottley, Tanya [Mottley.Tanya@epa.gov]; Moyer, Adam [moyer.adam@epa.gov]; Myers, Irina [Myers.Irina@epa.gov]; Myrick, Pamela [Myrick.Pamela@epa.gov]; Nazef, Laura [Nazef.Laura@epa.gov]; Ortiz, Julia [Ortiz.Julia@epa.gov]; Owen, Elise [Owen.Elise@epa.gov]; Parsons, Doug [Parsons.Douglas@epa.gov]; Passe, Loraine [Passe.Loraine@epa.gov]; Pierce, Alison [Pierce.Alison@epa.gov]; Pratt, Johnk [Pratt.Johnk@epa.gov]; Price, Michelle [Price.Michelle@epa.gov]; Reese, Recie [Reese.Recie@epa.gov]; Reisman, Larry [Reisman.Larry@epa.gov]; Rice, Cody [Rice.Cody@epa.gov]; Richardson, Vickie [Richardson.Vickie@epa.gov]; Ross, Philip [Ross.Philip@epa.gov]; Sadowsky, Don [Sadowsky.Don@epa.gov]; Santacroce, Jeffrey [Santacroce.Jeffrey@epa.gov]; Saxton, Dion [Saxton.Dion@epa.gov]; Scarano, Louis [Scarano.Louis@epa.gov]; Scheifele, Hans [Scheifele.Hans@epa.gov]; Schmit, Ryan [schmit.ryan@epa.gov]; Schweer, Greg [Schweer.Greg@epa.gov]; Scott Selken [spselken@up.com]; Scott, Elizabeth [Scott.Elizabeth@epa.gov]; Selby-Mohamadu, Yvette [Selby-Mohamadu.Yvette@epa.gov]; Seltzer, Mark [Seltzer.Mark@epa.gov]; Sheehan, Eileen [Sheehan.Eileen@epa.gov]; Sherlock, Scott [Sherlock.Scott@epa.gov]; Simons, Andrew [Simons.Andrew@epa.gov]; Sirmons, Chandler [Sirmons.Chandler@epa.gov]; Slotnick, Sue [Slotnick.Sue@epa.gov]; Smith, David G. [Smith.DavidG@epa.gov]; Smith-Seam, Rhoda [smith-seam.rhoda@epa.gov]; Stedeford, Todd [Stedeford.Todd@epa.gov]; Stevens, Katherine [stevens.katherine@epa.gov]; Strauss, Linda [Strauss.Linda@epa.gov]; Symmes, Brian [Symmes.Brian@epa.gov]; Tanner, Barbara [Tanner.Barbara@epa.gov]; Thompson, Tony [Thompson.Tony@epa.gov]; Tierney, Meghan [Tierney.Meghan@epa.gov]; Tillman, Thomas [Tillman.Thomas@epa.gov]; Tomassoni, Guy [Tomassoni.Guy@epa.gov]; Tran, Chi [Tran.Chi@epa.gov]; Turk, David [Turk.David@epa.gov]; Vendinello, Lynn [Vendinello.Lynn@epa.gov]; Wallace, Ryan [Wallace.Ryan@epa.gov]; Wheeler, Cindy [Wheeler.Cindy@epa.gov]; Widawsky, David [Widawsky.David@epa.gov]; Williams, Aresia [Williams.Aresia@epa.gov]; Williams, Bridget [Williams.Bridget@epa.gov]; Williamson, Tracy [Williamson.Tracy@epa.gov]; Wills, Jennifer [Wills.Jennifer@epa.gov]; Wise, Louise [Wise.Louise@epa.gov]; Wolf, Joel [Wolf.Joel@epa.gov]; Wright, Tracy [Wright.Tracy@epa.gov]; Yowell, John [yowell.john@epa.gov]
Subject: News Articles (For EPA Distribution Only)

BNA DAILY ENVIRONMENT REPORT ARTICLES

[First Move: Eager to Address PFAS Pollution, House Must Decide How](#)

By Chuck McCutcheon

ED_002682_00097486-00001

Posted May 15, 2019, 6:55 AM

House members meet today to figure out how to move over a dozen bills on pollution from poly- and perfluoroalkyl substances (PFAS), Tiffany Stecker and Pat Rizzuto write.

Lawmakers, 13 Bills Seek Answers to Nonstick Chemical Pollution

By Tiffany Stecker and Pat Rizzuto

Posted May 15, 2019, 6:31 AM

Lawmakers have been laying the groundwork for months to come up with solutions to a growing headache for water providers in all corners of the U.S.

PacifiCorp Asbestos Exposure Claim Revived on Appeal

By Steven M. Sellers

Posted May 14, 2019, 10:57 AM

The widow of a power plant worker may pursue asbestos claims against PacifiCorp in its capacity as a premises owner, a Washington state appeals court ruled.

INSIDEEPA.COM ARTICLES

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House Appropriators Propose To Boost EPA's FY20 Funds By \$672 Million

The House Appropriations Committee is floating increases to EPA funding in its fiscal year 2020 spending bill for the agency, laying out a plan that would reverse years of proposed and actual decreases in EPA funding and which sets up further negotiations with the GOP-controlled Senate and White House.

GREENWIRE ARTICLES

Democrats propose funding to study PFAS at military bases

Courtney Columbus, E&E News reporter

Published: Tuesday, May 14, 2019



The House spending bill for the Defense Department is out today. Pentagon Force Protection Agency

The fiscal 2020 Defense spending bill released by the House Appropriations Committee today includes funding to study drinking water contaminants, according to a news release.

The legislation would set aside \$13 million for studying and assessing two types of per- and polyfluoroalkyl substances, or PFAS, at current and former military installations in the U.S. that are contaminated by the chemicals.

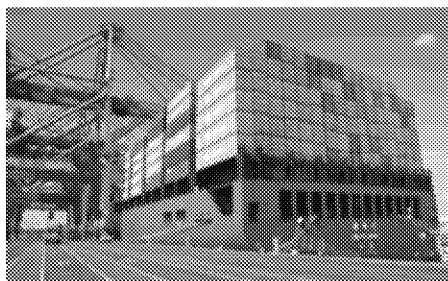
<https://www.eenews.net/greenwire/2019/05/14/stories/1060332595>

CHEMICAL WATCH ARTICLES

Rotterdam Convention signatories adopt compliance mechanism

Parties will establish committee to aid implementation

14 May 2019 / Chemical production & transport, Global, Pic Regulation, Restricted substance lists



International parties to the UN Rotterdam Convention last week adopted a "compliance mechanism" to help countries implement rules on importing and exporting hazardous chemicals. It was agreed as part of a 10-day meeting of the Rotterdam, Stockholm and Basel Conventions.

The Convention, which came into effect 15 years ago, requires countries to receive prior informed consent (Pic) before exporting hazardous chemicals to other countries.

The compliance mechanism has been written into the text of an annex to the Convention, laying out how countries can identify gaps in compliance and how to address them.

The parties also agreed to establish a compliance committee, which countries can approach for assistance on implementation or report non-compliance in another country.

The lack of a mechanism to enforce compliance has been on the agenda of the Rotterdam Convention for 15 years but, according to a record of the meetings, had never been able to "overcome the concerns of a small minority," which opposed the wording of the final text of the mechanism, including punitive measures.

In order to pass the measure, the parties in Geneva last Wednesday resorted to a vote for the first time in the Convention's history. Decisions are usually made by consensus.

Representatives from 120 parties voted in favour, with six against. The measure only applies to the countries that agree to the provisions, so the six countries opposed to its adoption – Cuba, Iran, Kyrgyzstan, North Korea, India and Qatar, according to the participant – can choose not to be bound by it.

Some experts expressed concern that the mechanism is not binding to all members, saying it could create uncertainty and divide the parties.

Nevertheless, environmental NGOs cheered the decision by delegates to put the measure to a vote, as well as the actual mechanism put in place.

"There's been massive non-compliance, and I do believe the mechanisms that were adopted will provide the kind of support that's greatly needed to increase the efficiency of the Convention," said David Azoulay, a member of the steering committee of the NGO the International POPs Elimination Network (Ipen) and senior attorney at the Center for International Environmental Law (Ciel).

He added, however, that the proposed text has been redefined over 15 years to focus more on providing support to governments struggling to implement the Convention than on identifying and punishing countries that are not complying.

"It should not be seen as something that will drastically identify and remedy everything that's wrong with the Convention," Mr Azoulay said.

Other Rotterdam results

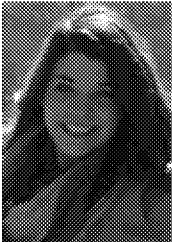
Delegates at the Rotterdam meeting also decided to subject the flame retardant hexabromocyclododecane (HBCD) and the pesticide phorate to the Convention's Pic procedure. This means countries that wish to export the listed chemicals need to receive permission in advance from the receiving countries' government.

Negotiators did not agree on whether to subject five other chemicals to the Pic procedure. These are:

- carbosulfan – an insecticide;

- fenthion – an insecticide;
- acetochlor – a herbicide;
- paraquat – a herbicide; and
- chrysotile asbestos – used in cement pipes and insulation.

Many delegates, whose countries use these chemicals widely, blocked their addition to the Convention, according to the report.



Ginger Hervey

UN/emerging markets reporter

Further Information:

- Meeting report
- Rotterdam Convention

Saicm analysis of science-policy interface finalised

15 May 2019 / Academic studies, Global

NGO the International Panel on Chemical Pollution (IPCP) has finalised its 'mapping and gap analysis' document for "strengthening the science-policy interface in international chemicals governance".

The document was submitted to the third meeting of the open-ended working group (OEWG) of the International Conference on Chemicals Management on 2-4 April and published by the secretariat.

The OEWG is responsible for implementing, developing and enhancing the Strategic Approach to International Chemicals Management (Saicm), a policy framework that promotes chemical safety around the world.

A draft version of the mapping and gap analysis was discussed at a workshop that the IPCP ran in November last year in Geneva.

Related Articles

- NGO preparing analysis of science-policy interface for Saicm

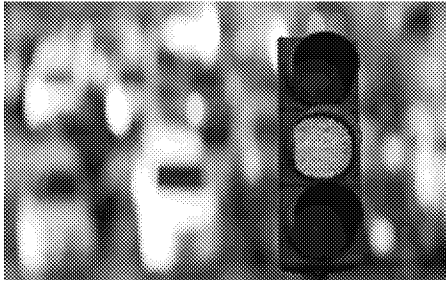
Further Information:

- Document

Unexpected delay to TSCA inventory designations raises compliance questions

Status of substance activity notifications submitted since February unclear

15 May 2019 / Substance notification & inventories, TSCA, United States



An unanticipated announcement from the US EPA has delayed the effective date for 'inactive' chemical designations under TSCA by almost three months. But the move has also raised several compliance questions.

Last week, the agency announced a memorandum – signed by Administrator Andrew Wheeler on 6 May – initiating a 90-day transition period between the identification of inactive substances and their official designation as such.

This means that starting from 5 August, the designations will take effect and industry will be required to notify the agency before resuming their use in commerce.

Up until last week's announcement, however, it had been widely understood that the EPA's 19 February release of an updated inventory had been the start of this transition period. And indeed, in a 13 March webinar, the agency said that 20 May would be the effective date.

The EPA did not respond to a request for comment on what had prompted the delay.

But the 2017 final TSCA inventory notification rule prescribes that the initiation of the transition period must be formalised with "a signed action" – a step absent from the February release of the updated inventory.

'Dragged out' timeline

The American Chemistry Council told Chemical Watch that publishing the notice in the *Federal Register* is a "prudent and practical step", given the importance of ensuring that stakeholders globally have notice of the 90-day transition period.

"We're pleased that EPA is taking the time needed to ensure the accuracy and integrity of the inventory," it said.

But Richard Denison, lead senior scientist at the Environmental Defense Fund, rebuked the agency for the delay.

"There is no apparent reason or basis for EPA to have taken nearly three months to issue the signed action," he told Chemical Watch. "Under TSCA this process should have taken slightly over 180 days after the rule was finalised. By August, the timeline will have been dragged out to almost two years."

Transition period questions

The latest TSCA inventory shows 45,573 substances slated for designation as 'inactive'. These constitute 53% of the substances on the overall TSCA inventory, not notified as 'active' under the 'inventory reset' reporting exercise that ended in October last year.

The final inventory notification rule, however, includes a 90-day 'transition period' to address cases where a substance was not used during 2006 to 2016 – and therefore could not be reported active – but has since reentered commerce.

Such a chemical may be notified with a Notice of Activity (NOA) Form B during this grace period, prior to the final active and inactive designations taking effect.

But it remains uncertain whether the newly clarified timeline will call into question submissions made between February and 6 May.

Herb Estreicher and Tom Berger, partners with the law firm Keller and Heckman, told Chemical Watch that one could make the argument that NOA Form Bs submitted before 5 May "technically ... should not be effective", because the regulations require they be submitted during the 90-day period.

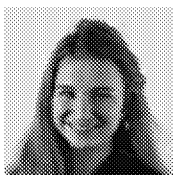
But because the EPA "earlier advised the regulated community in writing" that the transition period began on 19 February, it is likely the agency will accept submissions made previously.

"While we have not confirmed this with EPA, we believe that the agency would consider any and all otherwise proper NOA Form Bs submitted between 19 February and May 5 as being in full compliance with the active/inactive rule," they said.

Jared Rothstein, senior manager of regulatory affairs at speciality chemicals group Socma, told Chemical Watch: "Our assumption has been that the CDX [online reporting] portal has been open and have not heard otherwise from members."

"We interpret the memo as an administrative correction and not a technical correction, and, therefore, it seems to only be expanding the response period," he said.

Mr Estreicher and Mr Berger added: "It is not clear why EPA delayed the issuance of the signed action but it is only good news for industry."



Lisa Martine Jenkins

Americas reporter

Related Articles

- [TSCA inventory: Inactive designations take effect 5 August](#)
- [US EPA sets TSCA 'inventory reset' rule in motion](#)

Further Information:

- [Federal Register notice](#)
- [EPA March webinar slides](#)
- [Background on inventory](#)

- [Inventory notification rule](#)

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OTHER ARTICLES

[Neurotoxic Organophosphate Chemicals in Your Mobile, Tablet, Laptop, Sofa, and Even Bed!](#)

CounterPunch

Organophosphate **chemicals** are in fact among some of the most **toxic** in the world. Indeed a brief glimpse into the history of organophosphates shows ...

[Toxic food packaging at the grocery store?](#)

Safer Chemicals, Healthy Families (press release) (blog)

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